

The 3Ps: Prosecution, Protection, and Prevention

The “3P” paradigm – prosecution, protection, and prevention – continues to serve as the fundamental framework used around the world to combat human trafficking. The United States also follows this approach, reflected in the *Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children* supplementing the *United Nations Convention against Transnational Organized Crime* (Palermo Protocol) and in the United States’ Trafficking Victims Protection Act of 2000, as amended (TVPA). The U.S. Department of State’s Office to Monitor and Combat Trafficking in Persons (TIP Office) employs a range of diplomatic and programmatic tools to advance the 3P paradigm worldwide. In addition, a “4th P” – for partnership – serves as a complementary means to achieve progress across the 3Ps and enlist all segments of society in the fight against modern slavery.

Prosecution

Under the frameworks set forth in both the Palermo Protocol and the TVPA, effective law enforcement action is an indispensable element of government efforts to fight human trafficking. In the annual *Trafficking in Persons Report*, the Department of State analyzes whether governments criminalize all forms of human trafficking, vigorously investigate and prosecute cases of human trafficking, and convict and sentence those responsible for such acts with prison sentences that are sufficiently stringent to deter the crime and adequately reflect the heinous nature of the offense.

In line with the TVPA, an effective criminal justice response to human trafficking should treat the prosecution of cases as seriously as other grave crimes, such as kidnapping or rape. Governments should hold criminally accountable all perpetrators of human trafficking, including intermediaries aware of the intended exploitation, and should not impose suspended sentences, fines, or administrative penalties in place of prison sentences. Ideally, and consistent with the Palermo Protocol, a victim-centered legal framework should also authorize court-ordered restitution or compensation to victims in conjunction with the successful conviction of traffickers.

Non-criminal resolutions, such as mediation procedures, fall short of the Palermo Protocol’s standards, which essentially define trafficking in persons as a crime to be prosecuted, not a civil wrong to be remedied by damages alone. Without prison sentences, human traffickers will not be effectively deterred.

The TIP Office works with its interagency and law enforcement partners within the U.S. government, as well as with NGOs and international organizations around the world, to assist other governments with drafting and implementing comprehensive anti-trafficking laws and vigorously prosecuting traffickers.

Protection

Protection is key to the victim-centered approach that the international community takes in its efforts to combat modern slavery. Effective victim protection entails identifying victims, providing referrals for a comprehensive array of services, directly providing or

funding NGOs to provide those services, and supporting these individuals as they rebuild their lives.

Identifying victims is a critical first step in ensuring their ability to receive the support and resources they need. Proactive identification efforts and training for first responders, licensed health care practitioners, and other service providers are critically important to a government's ability to combat human trafficking. After identification, governments should prioritize the rights and needs of victims to ensure that protection efforts are provided in ways that treat victims with dignity and provide them each the opportunity to return to a life of their choosing. The TIP Office works to build the capacity of governments and NGOs to enhance victim protection in countries worldwide.

To effectively protect foreign national trafficking victims, governments should enable them to remain in the country, work, and obtain services without fear of detention or deportation for lack of legal status or because of crimes that their traffickers forced them to commit. In addition, governments should ease the process for victims to secure immigration relief. Safeguards should be put in place to ensure the security of victims as well as of their family members who may be at risk of intimidation or retaliation from traffickers. In cases in which trafficking victims, either adults or children, have records for crimes committed as a result of being subjected to trafficking, such records should be vacated or expunged.

Adequate victim protection requires effective partnerships between law enforcement and service providers not only immediately after identification, but also throughout a victim's participation in criminal justice or civil proceedings.

Comprehensive victim services include emergency and long-term services; intensive case management, housing, food, medical and dental care, and legal assistance; and access to educational, vocational, and economic opportunities. Efforts to support foreign national victims of trafficking as they rebuild their lives include voluntary repatriation and assistance in their home communities.

Prevention

Prevention efforts are an equally important component of the global movement to combat human trafficking. Effective prevention efforts address the tactics of human traffickers head on. With the dissemination of accurate and targeted information, communities will be better prepared to respond to the threat of human trafficking. Strategic intervention programs can reach at-risk populations before they are faced with the deceitful recruitment practices of those bent on exploiting them for labor or commercial sex. Meaningful partnerships between public and private sectors and civil society can expand awareness, leverage expertise, and facilitate creative solutions.

Prevention efforts should also encapsulate cross-cutting endeavors, such as amending labor laws so they do not omit certain classes of workers from coverage; robustly enforcing labor laws, particularly in sectors where trafficking is most typically found; implementing measures, such as birth registration, that reduce vulnerabilities to

trafficking; developing and monitoring labor recruitment programs to protect workers from exploitation; strengthening partnerships among law enforcement, government, and NGOs; emphasizing effective policy implementation with stronger enforcement, better reporting, and government-endorsed business standards; monitoring supply chains to address forced labor, including through government procurement policies; and working to reduce demand for commercial sex.

Additionally, recent innovations in private sector engagement on trafficking in persons hold potential to advance prevention efforts. A new push for corporate accountability calls on companies to focus additional attention on their supply chains, specifically to assess the recruitment of their workforce and that of their suppliers, including those harvesting, collecting, or mining raw materials.

Over time, new prevention measures and methods will emerge and evolve as governments and anti-trafficking stakeholders apply experience and share lessons learned. Although often the hardest to measure, prevention efforts can become more sophisticated, scalable, and effective if supported by sufficient resources and political will.

Prosecution, protection, and prevention efforts are closely intertwined. Indeed, the effectiveness of the 3Ps lies in their mutually reinforcing nature and complementarity. Prosecution, for example, acts as a deterrent, potentially preventing the occurrence of human trafficking. Likewise, protection can empower those who have been exploited so that they are not re-victimized once they re-enter society. A victim-centered prosecution that enables a survivor to participate in the prosecution is integral to protection efforts.

Using the 3P paradigm, the TIP Office works year-round to assess government efforts, advocate for more effective responses, and support international organizations and NGOs dedicated to combating human trafficking around the world.